Nova Scotia

ANNUAL REPORT

for the fiscal year
ending March 31, 1991

Human Rights Commission

92-01490/

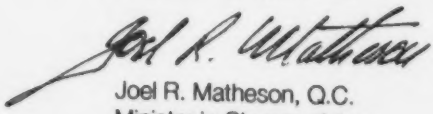
To His Honour

The Honourable Lloyd R. Crouse, P.C.,
Lieutenant-Governor of Nova Scotia

May It Please Your Honour:

I have the honour to submit herewith the annual report of the Nova Scotia Human Rights Commission for the fiscal year ending March 31, 1991.

Respectfully submitted,



Joel R. Matheson, Q.C.
Minister in Charge of the
Administration of the
Human Rights Act

The Honourable Joel R. Matheson, Q.C.,
Minister in Charge of the
Administration of the
Human Rights Act
Province of Nova Scotia

Sir:

I have the honour to present to you the annual report of the Nova Scotia Human Rights Commission for the fiscal year ending March 31, 1991.

Respectfully submitted,

B. Pachai

Bridglal Pachai, Ph.D.
Executive Director

CONTENTS

Introduction 9

Administration Division 12

Investigation Division 14

Public Education Division 24

Affirmative Action Division 34

Field Services 40

INTRODUCTION

The Nova Scotia Human Rights Commission is responsible for the administration and enforcement of the Human Rights Act, which prohibits discrimination against any individual or class of individuals because of race, religion, creed, colour, ethnic origin, national origin, sex, or physical or mental disability in the following areas: employment, accommodation, services and facilities; housing occupancy; sale of property; membership in employee organizations or professional, business or trade associations; or membership in volunteer organizations performing a public service. In addition, the act prohibits discrimination due to source of income in the area of rental housing, or due to age (40–65) or marital status in employment.

The Commission promotes programs of public education and affirmative action in the field of human rights to forward the principle that every person is free and equal in dignity and rights and to eliminate all forms of discrimination.

The Human Rights Act was first introduced in 1969. On August 31, 1990, the Human Rights Commission adopted a motion unanimously prohibiting discrimination on the basis of sexual orientation by way of interpreting "sex" as a prohibited ground of discrimination also to mean "sexual orientation." Shortly afterwards, the Commission set up a sub-committee made up of four Commissioners and the Commission's legal counsel to work on a new Human Rights Act. At the end of the year, this work continues.

Two significant structural changes call for special mention: the first is the Commission's new practice to hold open forums to meet the public and the second is the preliminary steps taken as at March 31, 1991, to fill two new positions during the new reporting year.

Three open forums were held during the year under review: Truro (September 27, 1990), Sydney (October 26, 1990) and Digby (November 30, 1990). The objective was to share information and concerns with the public in order to provide better and expanded services that respond to growing human rights expectations. The public wants quicker and more effective services, while the Commission can only work within the parameters prescribed by the act and within the boundaries defined by the human and financial resources available to it.

The general public needs to know more about what the Commission does and how it does it.

In turn, the Commission needs to improve its information base. During the year a research project entitled *Factors Affecting the Educational Success of Black Students in Nova Scotia* was completed under contract by Dr. Winston Barnwell. The Commission will further this process through consultation and cooperation with Nova Scotia universities.

The two new positions created, which will be filled after April 1, 1991, are Coordinator of Investigation and Compliance (which will replace the position presently designated Chief Human Rights Officer) and the Coordinator of Race Relations (a position recommended in the Report of the Royal Commission on the Prosecution of Donald Marshall, Jr.).

LIST OF COMMISSIONERS

Chairperson

Dr. Kenneth L. Ozmon

Vice-Chairperson

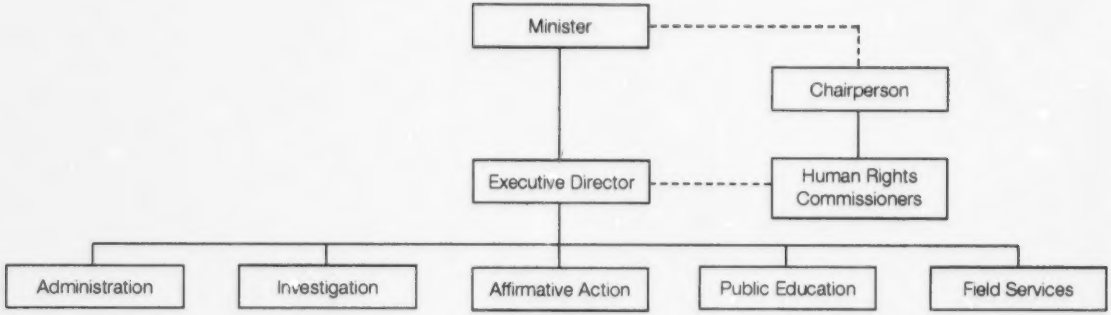
Dr. Fred R. MacKinnon

Members

Dr. Bridglal Pachai
Executive Director
Nova Scotia Human Rights Commission

Professor Wanda Thomas Bernard
Rev. Donald Fairfax
Mr. Edward LeBlanc
Professor Wayne MacKay
Mr. Daniel N. Paul
Mr. Tom Rissesco
Mr. Calvin Ruck
Dr. Margaret Swan
Ms. Brenda Taylor
Rev. Donald Thomas
Dr. Oscar Wong
(Rev. Donald Skeir's term ended on February 15, 1991)

ORGANIZATIONAL CHART—HUMAN RIGHTS COMMISSION
APRIL 1, 1990—MARCH 31, 1991



Summary of full-time personnel as at March 31, 1991

Head Office – Halifax	20
Regional Office – Sydney	3
Regional Office – New Glasgow	1.2
Regional Office – Digby	2
TOTAL	26.2
On leave	1

ADMINISTRATION DIVISION

Administrative Officer: Philippe Comeau

The Administration Division provides support for the Commission. These activities relate to four functional areas: Administrative Services, Staff Services, Records Management, and Finance.

The Administrative Services section ensures that the Commission develops a coordinated approach to all initiatives and activities undertaken that have implications for the entire Commission. These relate to office facility, space management, office automation, implementation of policy and procedures, purchasing, courier services, supplies, and inventory control measures.

The Staff Services Section provides effective facilities and working conditions for Commission staff. Specific activities include the provision of comprehensive staff and personnel administration records.

The Records Management Section ensures that records are handled in a planned system through a centralized records entry and retrieval system. This includes the care and custody of all documents and records, circulation control, and final disposition of records.

The Financial Services Section is responsible for recording financial and accounting matters within the Commission's central office and three regional offices. For the Commission, the section's responsibilities for accounting systems include expenditures, Order-in-Council commitments, cost sharing, and cost accounting. The section records the approval system for all capital operating expenditures and inputs payment data to the Department of Finance, which disburses cheques to creditors.

Reception Statistics

April 1, 1990–March 31, 1991

Number of calls	21,310
Number of visitors with appointments	700
Number of visitors without appointments	443
Total calls	21,310
Total visitors	1,143
Grand Total	**22,453**

Increase/decrease over old year	
Calls	+2,541
Visitors with appointments	+33
Visitors without appointments	+59
Total Increase/Decrease	**+2,633**

INVESTIGATION DIVISION

Chief Human Rights Officer: Francine Comeau

The Investigation Division, comprised of professionals who, as part of their main function, investigate complaints of discrimination, includes seven Human Rights Officers, two Regional Supervisors and a Chief Human Rights Officer.

Intake/referral

The division receives numerous telephone calls, correspondence, and visits from individuals who seek advice on matters affecting their daily lives. These Inquiries are a combination of information, assistance, and referral calls. The Commission, in matters not within its formal jurisdiction, limits its participation to that of a helping role.

Intakes for 1990–1991

Halifax	– 1,871	
Digby	– 376	South-western Region
Sydney	– 318	Cape Breton Region
New Glasgow	– 240	North-eastern Region
Total	– 2,805	

Formal Complaints

Where a person makes a formal claim that someone discriminated against another person(s) or a prohibited ground, the complaint is treated as formal and is investigated by staff of the Commission.

The role of the investigator is to seek evidence that supports the complainant's and the respondent's positions. Relevant documents are studied and witnesses are often interviewed.

The number of formal complaints handled by the Investigation Division has increased by 34.6 per cent from the previous year. Complaints take approximately six months to investigate and longer if a Board of Inquiry is appointed to hear the matter.

In this fiscal year, the distribution of complaints was as follows:

Grounds/Area

	Employment	Services/Facility	Housing	Advertising	Total
Race/Colour	27	26	2	1	56
Ethnic Origin	3	4	2		9
National Origin	14	4			18
Religion/Creed	3				3
Sex	30	4	2	1	37
Sexual Harassment	26				26
Sexual Orientation	1	1			2
Pregnancy	15	1			16
Physical Disability	39	15	2		56
Mental Disability	9	1			10
Marital Status	6	1	N/A		7
Age	17	N/A	N/A		17
Source of Income	N/A[a]	1	2		3
Reprisal	2				2
Association	1		2		3
Total	193	58	12	2	265[b]

a. Not applicable

b. The actual number of files is 253. The figure 265 reflects the fact that some complaints were lodged on more than one ground of discrimination.

Area Outcome

	Resolved	Withdrawn	Dismissed	Abandoned	Non jurisdictional	Board	On-going	Total
Employment	43	32	17	5	8	11	77	193
Services/ Facilities	16	9	7	4	1	1	20	58
Housing	5	2	1				4	12
Advertising	2							2
Total	66	43	25	9	9	12	101	265[b]

a. Not applicable

b. The actual number of files is 253. The figure 265 reflects the fact that some complaints were lodged on more than one ground of discrimination.

SETTLEMENTS

At the conclusion of the investigation, and where there is evidence to support the complaint, officers of the Commission attempt to conciliate the complaint and arrive at a settlement acceptable to all parties.

Settlements are confidential when all parties ask it. They are intended to compensate the complainant for any damages suffered as a result of the alleged discriminatory act.

Settlements vary and could include such terms as an apology, a letter of reference, financial compensation, policy changes, and assurance of compliance with the Nova Scotia Human Rights Act.

The investigation staff does not have the legal authority to decide if discrimination has occurred. As a result, most settlements reached at conciliation are made without an admission of liability and are confidential if requested by the parties.

Examples of a few complaints settled during the past fiscal year are:

Employment/Pregnancy

A woman alleged that her termination from employment while she was on maternity leave would not have occurred if she had not been on leave at the time of company cutbacks. The complainant alleged that another woman, junior to her and with less experience in all aspects of the job, should have been the one to be terminated.

The complainant, who was able to obtain employment elsewhere, was not interested in returning to work and sought compensation for humiliation and hurt feelings. The respondents, while denying any wrongdoing, compensated the complainant with $2,500 as general damages.

Employment/Mental Disability

A women alleged that she was subjected to unwarranted harassment and scrutiny by her employer and that this behaviour was related to the fact that she had a mental disability.

The complainant received, as terms of settlement, a letter of regret. The two-day suspension given to the complainant was lifted and the complainant was paid for those days. The employer also agreed to amend the letter of reprimand which had been placed on file.

Employment/Ethnic Origin

A member of the First Nations alleged that his employer discriminated against him when co-workers and supervisory staff subjected him to racial slurs and comments. He further alleged that his ethnic origin fostered a discriminatory attitude. This resulted in his being disciplined more harshly than other workers and eventually led to his dismissal.

Following investigation, the complaint was resolved. The complainant was re-instated with seniority and received a substantial financial compensation. The Human Rights Commission agreed to conduct awareness sessions for staff and management and ensured that the complainant was familiar with the work performance guidelines of the employer.

Services/Race & Colour

In an exception to the rule of confidentiality waived by the parties, the Human Rights Commission was able to publicize a settlement in the complaint of Percy Paris against Zellers Inc.

The complainant, Percy Paris, alleged that the black dolls "Enny & Meeney" and "Miney & Moe" depicted black persons in a derogatory manner. The dolls were removed from circulation prior to the final settlement. Zellers, in further efforts to address the situation in a positive manner, brought in dolls that depict black people in a realistic manner in metro stores. It also provided sponsorship of events related to Black History Month and agreed to take further steps towards strengthening its responsibility as an affirmative action employer.

BOARD OF INQUIRY

If settlement between the parties is not possible, the Human Rights Commission reviews the complaint and reports to the Minister in charge of the Administration of the Human Rights Act. The Minister may appoint a board of inquiry to hear the matter.

Twelve boards of inquiry were either appointed, heard, or determined during the period under review.

Employment — Race and/or Colour

Kevin Downey vs Metropolitan Authority
Board of Inquiry — David Bright
Hearing held commencing May 1989 and concluding February 1990
Decision Pending as at March 31, 1991

Kevin Downey alleges that Metropolitan Authority discriminated against him because he is a black person. He was unsuccessful in his attempts to obtain employment as a bus operator between April 1986 and October 1986.

Employment — Physical Disability (Visual Standards)

Robert Zinck & Michael Jessiman vs Halifax Fire Department
Board of Inquiry — Professor Yogis, Q.C.
Hearing held commencing September 1989 and concluding February 1990
Decision rendered on October 2, 1990

Robert Zinck and Michael Jessiman alleged that the Halifax Fire Department discriminated against them by refusing to consider them for employment as firefighters. The complainants alleged that the standard of 20/30 uncorrected vision in both eyes, which neither man met, is not a bona fide occupational requirement.

The Board ruled that Zinck and Jessiman were discriminated against because of their disability. However, the Board also ruled that the visual acuity standard is a bona fide occupational qualification and that where issues of pubic safety are concerned the law imposes no duty to accommodate the disabled individual.

An appeal is scheduled for June 4, 1991 to the Nova Scotia Supreme Court, Appeal Division.

Employment — Sex (Sexual Harassment)

Joan McLellan, Jacqueline Stephenson and Tracey Keizer vs Mentor Investments Limited carrying on business under the firm name and style of Venice Restaurant and/or Mike (Mohammed) Rabah
Board of Inquiry — David Bright
Hearing held in March 1990 and July 1990
Decision Pending as at March 31, 1991

Three women allege that they were discriminated against in that they were subjected to sexual harassment while employed as waitresses at the Venice Restaurant.

Employment — Sex

Mary Ritchie vs Volvo Canada Limited
Board of Inquiry — Eric Dumford, Q.C.
Hearing held commencing May 7, 1990
Decision — rendered on May 9, 1990

Mary Ritchie alleged that Volvo Canada Limited discriminated against her because of her sex. She had been attempting to obtain employment in the company's assembly line from July 1972 to August 1988 and alleged that Volvo was refusing to employ her because she is female.

The Board accepted the settlement agreed to by all parties during discussions that took place during the first two days of the hearing. The parties had agreed to the following:

1. Volvo agrees that it will continue with the implementation of a policy that 50 per cent of all now assembly line workers hired for its Halifax Car Plant from the outside recall list will be women until the ratio reaches the national average of 15 per cent.

2. Volvo will advise the Commission of the details of its hirings under this program and will ccoperate with the Commission in conducting an awareness program for its employees if it is considered appropriate.

3. The Commission will supply Volvo with a scroll to be displayed in a public place at the Halifax Car Plant.

4. Volvo agreed to offer Ms. Ritchie the first available job on the assembly line once she has received a two-year certificate from a community college in automobile mechanics or auto body repair.

5. Volvo will pay Ms. Ritchie $43,000 as general damages.

6. The settlement was made on the basis of no admission of liability.

Employment — Age

Jerry Landry vs Richmond Fisheries Limited and/or Canadian Auto Workers Union
Board of Inquiry — Stewart McInnes, Q.C.
Hearing held on June 18, 1990
Decision rendered on July 16, 1990

Jerry Landry alleged that he was discriminated against by his employer when he was forced to retire upon reaching the age of 65.

The Board found that Mr. Landry had been discriminated against by Richmond Fisheries Ltd.

The Board ordered that Mr. Landry be reinstated from the date of his retirement and compensated for the income he would have received in the past year ($19,525.53). The Board also ordered that Mr. Landry be paid $100 as general damages.

The Board found no discrimination on the part of the Canadian Auto Workers Union.

Employment — Disability (Thyroid Condition)

Pamela Morrison vs O'Leary Associates and/or Tom O'Leary
Board of Inquiry — Victor Goldberg
Hearing held — August 15, 1990
Decision rendered on November 22, 1990

Pamela Morrison alleged that she was discriminated against when she was dismissed from her position with O'Leary Associates when the effects of treatment she had received for a thyroid condition caused her to be absent from work.

The Board ruled that Ms. Morrison had been discriminated against and ordered that O'Leary Associates and/or Tom O'Leary compensate Ms. Morrison special damages for lost wages, $5,201.66 and $250 as general damages.

Services — Physical Disability (Diabetes)

Scott Slipp vs The Canada Life Assurance Company
Board of Inquiry — Stewart McInnes, Q.C.
Hearing held on February 4 & 5, 1991 and March 21 & 22, 1991
Decision rendered on April 25, 1991

Mr. Scott Slipp, who has diabetes mellitus, alleged that he was discriminated against by The Canada Life Assurance Company when he was refused a group life policy for mortgage insurance.

The Board found that the group life policy for mortgage insurance offered by Canada Life is directed not to the general public but to a particular class of people and that this limited form of insurance was not one available to the public generally.

The Board also found that there was no obligation on Canada Life to re-design the plan to admit entry to all persons who present a substandard risk.

The Human Rights Commission and Mr. Scott Slipp are reviewing the decision to determine whether or not an appeal will be filed to the Nova Scotia Supreme Court, Appeal Division.

Employment — Sex (Pregnancy)

Heather Schumacher vs McDermaid Agencies Limited
Board of Inquiry — Victor Goldberg
Hearing Scheduled to commence May 7, 1991

Ms. Schumacher alleges that she was discriminated against with respect to the terms and conditions of her employment when McDermaid Agencies refused to provide her with her commissions generated while she was absent from work on pregnancy leave.

Employment — Sex (Sexual Harassment)

Isabel Ulloa vs I.M.P. Group Ltd. and/or Steve Malone
Board of Inquiry — Mark David
Hearing scheduled to commence June 17, 1991

Ms. Ulloa alleges that she was discriminated against when she was subjected to sexual harassment by her supervisor.

APPEALS

Decisions of boards of inquiry may be appealed to the Nova Scotia Supreme Court, Appeal Division, on points of law.

One such appeal was heard during this period.

Mr. Justice Gerald Freeman overturned a board of inquiry decision in **Cindy MacKay (Kent) vs Dr. Navin Mehta** which had found that Dr. Navin Mehta had sexually harassed Ms. MacKay while she was employed by him.

OTHER RELEVANT COURT DECISIONS

McKinney vs University of Guelph, 1991, 76 D.L.R. (4th) 545, Supreme Court of Canada

As a result of this decision, the Nova Scotia Human Rights Commission no longer accepts complaints from individuals alleging age-based discrimination, where the age of the individual is over 65.

The previous decision in ***Sniders vs Camp Hill Hospital***, the Nova Scotia Supreme Court, Appeal Division, had declared that the cap (65 years) on the prohibition against age-based discrimination contained in the Nova Scotia Human Rights Act was contrary to Section 15 (1) of the Charter and not justified by Section 1. At the time, the decision was not appealed.

Section 14(2) (a) of the Human Rights Act was declared null and void but was not amended by the legislature.

The recent decision, therefore, had the effect of reviving Section 14(2) (a) of the Human Rights Act which offers no protection to persons over the age of 65 in matters of employment.

Clint R. Hines v. Registry of Motor Vehicles, 1990, Supreme Court of Nova Scotia (Trial Division)

The court ruled that Regulation 5(a) (iii) made under the Motor Vehicle Act, R.S.N.S. 1989 c.293 which precludes insulin-dependent diabetics from applying for, or renewing their Class 1 driver's license is contrary to Section 15 of the Charter of Rights and Freedoms. The Court ruled the

Regulation was null and void and that it be struck. It also ordered that Clint Hines' license be restored.

Hugh Jones and William Ahern v. Technical University of Nova Scotia, 1990, Supreme Court of Nova Scotia (Trial Division)

In a decision with respect to mandatory retirement, the Court ruled that the Nova Scotia Human Rights Commission is the proper forum for human rights disputes between private parties, not the Court system.

PUBLIC EDUCATION DIVISION

Public Education Officer: May Lui

The Public Education Division is responsible for the development and implementation of public information and education programs in the area of human rights. Its main objectives are to promote awareness of human rights; to eliminate ignorance and prejudice; to promote positive attitudes and/or effect positive attitudinal changes with regard to human rights issues; and to create a climate of respect for the dignity and rights of all people irrespective of race, colour, religion, creed, national origin, ethnic origin, sex, marital status, physical disability, mental disability, age (40–65 years), source of income, and sexual orientation (since August 31, 1990).

The public information and education programs include conferences, workshops, seminars, open forums, public speaking, (96 speaking engagements from April 1, 1990, to March 31, 1991, excluding speaking to students at school conferences), ceremonies and special events commemorating special days, dissemination of materials on human rights, race relations and related topics, displays, press releases, advertisements, television programs, liaison with community, ethnic and minority groups, as well as women's organizations and organizations serving disabled persons, cooperation with government departments, assistance to educators, researchers, students, and the general public in their research on human rights and related topics, and answering general telephone and written inquiries.

The Public Education Officer is the head and the only full-time staff member of this division. For most of the 1990–91 there was also a temporary library technician whose position has been discontinued. At present, the Public Education Officer assumes some of the duties of the librarian with assistance of the Chief Central Registry Clerk who works part-time at the library. Regional Supervisors and Human Rights Officers assist in conferences, displays, and speaking engagements, as well as contribution to the Commission's newsletter *Equality*.

The Joint Human Rights and Education Committee is co-chaired by the Deputy Minister of Education and the Executive Director of the Human Rights Commission. It recommends and/or examines materials relating to minorities, women, and disabled persons, as brought forward by members of the committee drawn from the Commission, Department of Education, and various ethnocultural and advocacy groups.

Both the Executive Director (Chair) and the Public Education Officer are members of the Multicultural Education Council of Nova Scotia, which deals with multicultural and cross-cultural concerns.

THE LIBRARY

The Commission library serves clients of all age groups who conduct research on human rights and related areas. The library collection includes publications on the Charter of Rights and Freedoms, racism, multiculturalism, ethnic studies, women, disabled persons, as well as relevant government documents, newsletters, and periodicals. It is a reference library only. The public is encouraged to use the library and to seek assistance if required during library hours, 8:30 am to 4:30 pm, Monday to Friday.

COMMISSION LITERATURE

The Commission's pamphlets have been updated in compliance with the *Revised Statutes of Nova Scotia 1989*. A new pamphlet *Human Rights: A Guide to the Complaint Process* replaced the former *Guidelines for Investigating Complaints*. With the assistance of Fédération Acadienne de la Nouvelle-Écosse (FANE) the Commission printed the updated and revised *The Acadians of Nova Scotia* and *Les Acadiens de la Nouvelle-Écosse* pamphlets. The Commission has resurrected its newsletter. It is now a quarterly entitled *Equality*.

The Commission also produced a new button, "Human Rights: Let's Grow Together" in addition to the "Human Rights: Everybody's Business" button.

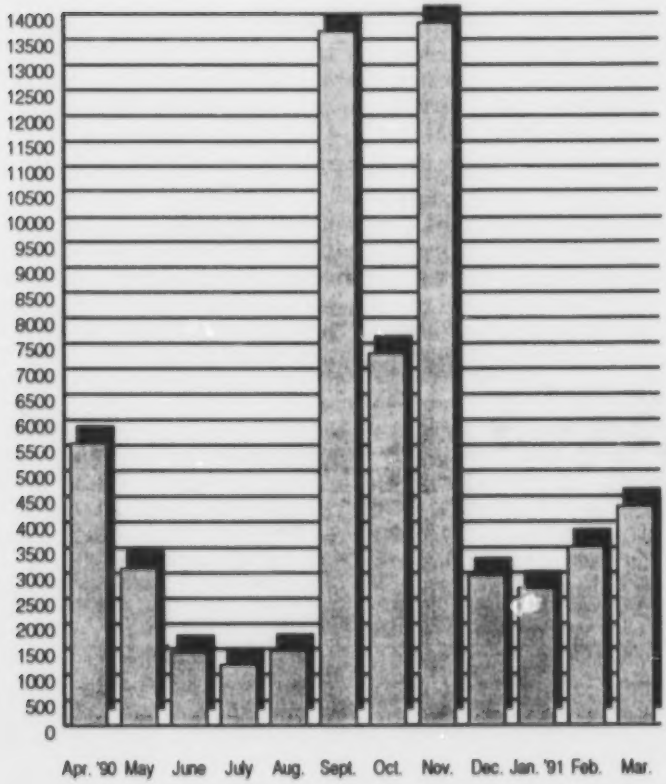
The following are the Commission's publications:

Nova Scotia Human Rights Act
How the Human Rights Commission Serves People
Human Rights: A Guide for Employers
Human Rights: Policy Guidelines on Sexual Harassment
Human Rights: A Guide to the Complaint Process
Human Rights: Physical or Mental Disability
Human Rights: Source of Income
The Acadians of Nova Scotia
Les Acadiens de la Nouvelle-Écosse

Publications continued:

Pictorial on Black History, Nova Scotia
Getting Your Foot in the Door
Affirmative Action
Commission Reports
Equality — a quarterly newsletter
Posters: 1. *People in the Same Boat Help One Another*
2. *Affirmative Action*

Publications Distributed



PROGRAM HIGHLIGHTS

School Conferences

School conferences are an effective means of involving teachers and students in activities that, among other things, increase their understanding of human rights, of the cultures of minority people, of women and disabled people, and of their abilities and contributions to our society.

The conferences vary from two days to one week in duration, depending on the needs of the students and on the size of the student body. Before each conference there is an orientation session for the teaching staff to make them aware of the goals of the conference as well as of the programs. Teachers are requested to stimulate students' interests in human rights before the conference by engaging them in pre-conference activities. These activities include students' poster, essay or public-speaking contests, and the pre-conference questionnaire on human rights. Some students, with the assistance of their teachers, rehearse skits on human rights or songs or both, to be presented at the opening session of the conference. If the conference is held in a high school, student representatives are involved in planning the conference.

If the conference is held in a school in the metro area, part of the student orientation involves a trip by selected students to the Commission office, where the officers discuss human rights with them. Some of these students will be speakers on various human rights topics at the opening session. They are encouraged to use the reference materials in the Commission library and to seek assistance from the Public Education Officer.

The actual conference usually includes an opening session, a closing session, and classroom sessions. The Minister in Charge of the Administration of the Human Rights Act, or the Executive Director, or his designate, often delivers the keynote address at the opening session. The classroom sessions are conducted by human rights officers and resource persons from various community groups and organizations, such as Status of Women and Micmac Native Learning Centre. Recommendations and suggestions at these sessions are recorded and presented at the closing session if there is one. There are usually no closing sessions at elementary school conferences, but students fill out the post-conference questionnaire with comments, suggestions, and views of the conference.

Materials provided to the schools include a conference agenda, pre-conference and post-conference questionnaires, and relevant human rights pamphlets.

There were five school conferences in 1990–91. Following the suggestions of the Public Education Officer to support the objectives of the World Summit for Children, and to encourage youngsters to share with the less fortunate, Caudle Park Elementary School and Ross Road School, as part of their conference activities, collected books and toys and donated them to needy children of Nova Scotia. The Commission is inviting other schools to participate as sharing and caring are the true essence of human understanding.

In 1990–91, conferences were held in the following schools:

April 18–19, 1990	Antigonish East High School, Monastery
May 10,11,14–16, 1990	Digby Regional High School, Digby
October 15–16, 1990	Caudle Park Elementary School, Lower Sackville
November 13–16, 1990	Cole Harbour District High School, Dartmouth
February 25–28, 1991	Ross Road School, Dartmouth

"Consolidating Human Rights and Race Relations: Challenges for the Last Decade of the 20th Century Conference," December 7 and 8, 1990, World Trade and Convention Centre

The Commission hosted the above conference, inviting all Nova Scotians to attend and participate in examining our present system of justice, education, and employment in relation to race relations, human rights education, aboriginal issues, employment equity, and police and media responsibility regarding minorities. There were approximately 150 participants from across the province. The Minister in Charge of the Administration of the Human Rights Act addressed the audience at the beginning of the conference. The Chief Commissioner of the Ontario Human Rights Commission, Ms. Catherine Frazee, was the luncheon speaker. Other speakers from Nova Scotia and other provinces have expertise and experience in the field of human rights and race relations. The audience was asked to assist the Commission in making the

changes required to eradicate discrimination and promote positive race relations. Recommendations were recorded.

Open Forums

The Commission held three open forums across the province to provide an opportunity for the public to express concerns and exchange information with the human rights commissioners and staff on issues relating to the mandate of the Commission. This practice will continue in other parts of Nova Scotia to enable the public to interact with the Commission. An open forum had been scheduled at Dartmouth on April 25, 1991. The dates of the open forum are:

September 27, Truro
October 26, Sydney
November 30, Church Point

Human Rights through Television

The Commission's efforts to increase public awareness of human rights issues were assisted by the National Film Board of Canada; Educational Media Services, Department of Education; Halifax Cablevision Limited (Channel 10); and ASN (Channel 7).

Human Rights films were telecast through Halifax Cablevision Limited (Channel 10) from February 14, 1990, to May 18, 1990, every Wednesday and Friday evening. All the films were provided by the National Film Board of Canada.

From August 29 to September 6 more human rights films were telecast during the educational time period provided by ASN (Channel 7). Films were from the Human Rights Commission and Educational Media Services.

Executive Director Dr. Bridglal Pachai's interview taped at Halifax Cablevision, relating to the December 1990 Human Rights Conference, was telecast through all the cablevision stations across the province in the month of December.

Halifax Cablevision also telecast the December 10, 1990, Human Rights Day ceremony and March 21, 1991, International Day for the Elimination of Racial Discrimination ceremony and display fair.

Nova Scotia

PROCLAMATION

WHEREAS the Convention on the Rights of the Child was adopted by the United Nations General Assembly on 20 November, 1989, the 30th Anniversary of the Declaration of the Rights of the Child;

WHEREAS on September 29–30, 1990 at the World Summit for Children world leaders met to discuss measures to improve the lot of children who suffer from exploitation, abuses, malnutrition and preventable diseases, and lack of educational opportunities;

WHEREAS the Government of Nova Scotia is commited to a strategy on behalf of children in Nova Scotia which will focus on

- the recognition of the needs of children,
- proper health care for children,
- the education and development of children to the fullest of their potentials,
- the provision of adequate facilities for the effective delivery of all government services for children;

NOW, THEREFORE, I, Roger S. Bacon, Premier of Nova Scotia, do hereby proclaim December 10, 1990 as the day of Solidarity with the Children of Canada and Children of the World in recognition of The Convention on the Rights of the Child, and urge that all Nova Scotians provide for the physical and mental well-being of children;

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Province of Nova Scotia to be affixed at Halifax on this tenth day of December, 1990.

Hon. Roger S. Bacon
Premier of Nova Scotia

Special Events

International Human Rights Day, December 10, 1990

The 42nd Anniversary of the Universal Declaration of Human Rights was observed by a ceremony at the World Trade and Convention Centre on December 10 chaired by the Executive Director of the Human Rights Commission.

The Minister, representing the Premier, read the Government of Nova Scotia's proclamation on the United Nations Convention on the Rights of the Child.

A student from each of Antigonish East High School, Digby Regional High School and Cole Harbour District High School spoke on "What Human Rights means to me." The Minister then presented awards to the representatives of these three schools and to the representative of Caudle Park Elementary School for their efforts in promoting human rights, including the hosting of a human rights conference in their respective schools.

The ceremony concluded with a Citizenship Court. Each new Canadian received a human rights kit.

Black History Month

In February, in support of Black History month, the Commission's books by black authors and books on black people were displayed at the Commission library and at the Commission Board Room.

International Day for the Elimination of Racial Discrimination, March 21, 1991

The Premier addressed the audience on the significance of the International Day for the Elimination of Racial Discrimination and signed a proclamation at a brief opening session at the World Trade and Convention Centre. This was followed by a day-long exhibition fair in which 32 organizations, government departments and schools participated. The fair was well attended and people including elementary and high school students, interacted with and learned about each booth holder's programs and activities aimed at the elimination of discrimination and the promotion of justice and equality.

Nova Scotia

PROCLAMATION

THE INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION MARCH 21

WHEREAS the Government of Nova Scotia has a longstanding commitment to the development of a society in which all persons regardless of race, colour, national and ethnic origin, religion or creed, sex, age or disability could work and live in peace, harmony and mutual respect;

WHEREAS all residents of Nova Scotia have the right to equal treatment, opportunity, respect and understanding;

WHEREAS the elimination of racism and racial discrimination is essential in the promotion of equality for all Nova Scotians;

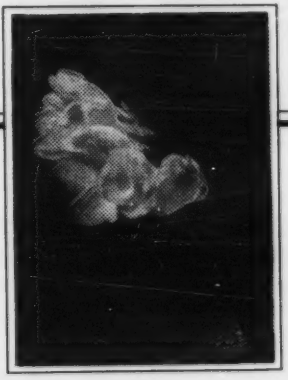
WHEREAS the General Assembly of the United Nations has designated March 21st as the International Day for the Elimination of Racial Discrimination;

WHEREAS the Government of Nova Scotia had made a proclamation recognizing the United Nations' Second Decade for Action to Combat Racism and Racial Discrimination;

NOW, THEREFORE, I, Donald W. Cameron, Premier of Nova Scotia, do hereby proclaim March 21st as the International Day for the Elimination of Racial Discrimination; and urge all Nova Scotians to make it their moral and social responsibility to eliminate all forms of racism and racial discrimination in their dealings with one another;

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Province of Nova Scotia to be affixed at Halifax on this Twenty-First day of March, 1991.

Hon. Donald W. Cameron
Premier of Nova Scotia



AFFIRMATIVE ACTION DIVISION

Co-ordinator: Carolyn Thomas

INTRODUCTION

The Affirmative Action Division of the Nova Scotia Human Rights Commission continues to carry out activities in its area and assists with educating the public regarding affirmative action. Affirmative action activities are carried out in the areas of employment, housing and education. Most of the concentration of this division during the past year has been in the areas of employment and education.

The Affirmative Action Division spends much time and energy in its attempt to assist the community to better understand the concepts of affirmative action and employment equity. These terms are often used interchangeably and many have found it difficult to understand the difference. Affirmative action is a remedy designed to eliminate systemic discrimination in the work place, education system, housing, services, and society in general. It requires individuals and organizations to help effect change in support of basic human rights and dignity. Employment equity ensures that there is equal opportunity in the work place.

Affirmative action reaches beyond the regular hiring procedures and practices and requires the employer to:

- conduct a complete self-evaluation of employment opportunities; this includes (a) a survey of visible minorities, women and disabled persons representation by department and job classification; (b) determining the availability of visible minorities, women and disabled persons; and (c) identifying areas of underutilization of visible minorities, women and disabled persons.

- appoint a top official with the responsibility and authority to implement affirmative action programs. This means that the importance of this program will be indicated from the beginning by the person placed in charge and by the authority that his or her position carries.

- issue an affirmative action/equal employment policy statement that will incorporate a clear and firm account of the employer's commitment.

- identify barriers: develop and implement specific programs to achieve equal opportunity by such means as recruitment; review and possible revise selection standards and recruitment; review and monitor the selection process.

- develop goals and timetables which incorporate short and long range planning.

- establish internal auditing and reporting systems to monitor and evaluate progress in all aspects of the program. This process should include surveying current work force and job classification, referral sources, resignations, lay-offs, progress towards goals.

Legal Justification

Affirmative Action programs and agreements in Nova Scotia continue to operate on a voluntary basis with exemption status being granted under Section 25 of the Nova Scotia Human Rights Act. This permits the development and implementation of special programs that correct past injustices and that promote the welfare of any class of individuals.

New Affirmative Action Agreements

During the past fiscal year two major employers signed affirmative action agreements with the Nova Scotia Human Rights Commission.

(1) City of Halifax
(2) Credit Union Central of Nova Scotia

Credit Union Central of Nova Scotia was the first financial lending institution in Nova Scotia to sign an Affirmative Action Agreement with the Nova Scotia Human Rights Commission.

PROGRAM HIGHLIGHTS

Affirmative Action Trainee Position

- Through the Affirmative Action Trainee position at the Nova Scotia Human Rights Commission five people received training in 1990–91. As a result of this training four persons received jobs: one as an administrative assistant, one as a bank teller, one as a receptionist at

a bank, one as clerk with the Department of Finance, and one person decided to attend a post-secondary institution to increase her credentials in the field of social work.

The purpose of the Affirmative Action Trainee position is to train a person who has insufficient skills and limited but inadequate training to make the person marketable. Individual skills are analyzed and an opportunity is provided for on-the-job training, which includes preparation and appearance for job interviews. The desired end result is permanent employment.

- An Affirmative Action Officer has been hired to assist with increased work load of the Affirmative Action Division of the Nova Scotia Human Rights Commission.

- The Division's staff work to meet affirmative action objectives by:

  (a) referring (target groups) applicants for the job opportunities in the public and private sector, mainly to affirmative action employers.

  (b) providing counselling to persons (from the target groups) who have encountered problems in obtaining employment as a result of alleged racism, sexism and/or a violation of their human rights as described under the Nova Scotia Human Rights Act.

  (c) making presentations on affirmative action to employers, schools, special interest groups. During the past fiscal year, more than 75 such representations were made.

  (d) 13 awareness and information sessions were held with the following organizations:

    - Dartmouth Immigrant Orientation Association
    - Esso Imperial Limited
    - Halifax North End Community Clinic
      staff and board of directors
    - Advisory Council on the Status of Women
    - N.S. Power Corporation senior management
    - Bell Park Academic Centre Parent Teachers' Association
    - Zellers' Atlantic and regional management
    - Central Mortgage & Housing Corporation
    - Credit Union Central of Nova Scotia
    - Crawley's Business Academy, New Glasgow
    - Eastern Protein Foods Limited, Kentville
    - Nautical Institute, Port Hawkesbury
    - Braemore Home staff

The purpose of these sessions is to create a greater understanding and acceptance of affirmative action. The results were a heightened awareness of employment issues and concerns and affirmative action in general. Some organizations have proceeded to use the same or a similar model to create a greater awareness among the remaining staff and students.

Public Information/Career Orientation Sessions

Three major employers co-operated with the Affirmative Action division and community organizations in holding public information/career orientation sessions in the community. These sessions were held at the Halifax North End Library and the Black Cultural Centre. The Employers—Department of National Defense, R.C.M.P., and Dartmouth Fire Department—shared information on long and short term projections and requirements to work within their organizations. The one-on-one relationships seemed profitable for students, in particular.

Committees

Affirmative Action Committees are voluntary community-based organizations that work in co-operation with the community, the Nova Scotia Human Rights Commission and other special interest groups. Their main function is to promote human rights more specifically. They exercise affirmative action as a primary goal. These Committees are:

Affirmative Action Community Based Committees

Truro & District Affirmative Action Committee
Sydney Affirmative Action Committee
Antigonish Affirmative Action Committee
Glace Bay Affirmative Action Committee
Amherst Affirmative Action Committee
Yarmouth Affirmative Action Committee
New Glasgow Affirmative Action Committee

Committee highlights include

- International Human Rights Day; International Women's Day; International Day for the Elimination of Racial Discrimination; Black

History Month; National Access Awareness Week and other such days or weeks that are set aside for special recognition by the Province or municipality.

- The Yarmouth County Affirmative Action Committee jointly sponsored a workshop on "Your rights to special services" with the Public Legal Education Society of Nova Scotia.
- The Glace Bay High School sponsored a day on the Elimination of Racial Discrimination in co-operation with the Glace Bay Affirmative Action Committee.
- The Sydney Human Rights Affirmative Action Committee sponsored two public forums on racism highlighting speakers from the Aboriginal and black communities.
- Affirmative Action Committees work closely with the Civil Service Commission in arranging interviews with visible minorities, disabled persons, and women.
- The Sydney Affirmative Action Committee continues to present the Tom Miller Humanitarian Award and Medal to a person in the area who has displayed humanitarian works and leadership in the areas of community involvement, human rights, and affirmative action.
- Committees continue to monitor and to be sensitive to concerns regarding accessibility.
- The Sydney Affirmative Action Committee was instrumental in having a student hired to co-ordinate and set up a Resource on Women at U.C.C.B.
- The City of Dartmouth Affirmative Action Committee approached the media and continues to voice its concern about the lack of representation of visible minorities, disabled persons, and women.

The Affirmative Action Division continues to work with the various police departments, the R.C.M.P., the Nova Scotia Barristers' Society and other interest groups concerning affirmative action through speaking engagements, human awareness sessions, and in an advisory capacity.

The division reaches out to the corporate sector as well to encourage this sector to respond to employment equity through affirmative action.

The division acknowledges that much more work remains to be done in this area. To date, the following businesses have responded affirmatively:

Affirmative Action Employer-Based Committees

Maritime Tel & Tel Affirmative Action Committee
City of Dartmouth Affirmative Action Committee
Scott Maritimes Limited Affirmative Action Committee

The Affirmative Action Division will accelerate its services at three levels: community, corporate, and provincial government departments. To this end new partners will be identified and old partnerships will be strengthened. The lead by the provincial government will inspire progressive development at all three levels. A difficulty that the Nova Scotia Human Rights Commission Affirmative Action Division has to contend with is the voluntary nature of the program. It relies, therefore, on the good will of all parties to work towards progressive change.

FIELD SERVICES

Sydney Regional Office—Regional Supervisor: David Beaton

This year, the number of requests for speaking engagements increased in the Sydney office, which serves the Cape Breton region. The office accommodated 29 of these. Many of its activities were directed towards raising the level of awareness of and sensitivity to racism in the region.

Highlights

In April 1990 the regional office conducted a comprehensive Human Rights Conference for all of the Antigonish East High School.

In October it organized a conference at the Atlantic Vocational Training Campus, Sydney, on racism and sexism. The Minister of Advanced Education and Job Training participated and promised the promotion of similar activities throughout the province.

In December, the Tom Miller Award Banquet was held. This year's recipient of the second annual award was the noted labour leader Winston Ruck.

In January 1991 a Human Rights Awareness Day was held at the Nautical Institute, Port Hawkesbury. Two hundred students participated at this function.

On March 21, the Glace Bay High School sponsored a day on the topic "Elimination of Racial Discrimination" as its recognition of the anniversary of the Sharpeville massacre in South Africa. Workshops involving 360 grade XI students were conducted by resource people from the community.

The Sydney Human Rights Affirmative Action Committee sponsored two public forums on racism highlighting such speakers as Robert Upshaw and Murdena Marshall.

The Sydney office is pleased to cooperate with the University College of Cape Breton Centre of International Studies in organizing a multicultural pilot project. This extra-curricular class involves 45 students at the two Junior High Schools in Sydney and takes place after school hours.

New Glasgow Regional Office — Staff Officer: Beverley M. Bonvie

The New Glasgow office, though different in structure from the other regional offices (staffed by one support staff), functions effectively in enforcing the mandate and programs of the Commission. The absence of a supervisor has not significantly lessened nor minimized its visibility in this area. Complaints continue to be received, processed, and conciliated effectively. Although the actual investigations are conducted by human rights officers located outside the region, all preliminary interviews and reports are communicated through the regional office.

Public education is an ongoing function of the regional office and this includes:

speaking engagements
referrals
advertising special events
displays
disbursement of literature
organizational liaison

A major emphasis has been placed on promoting affirmative action programs through direct contact with potential employers on behalf of minority candidates.

During the year, a deeper understanding and appreciation of positive remedies to eradicate prejudice and discrimination seemed to emerge. Evidence of this improved consciousness is the increased number of request to use this office's information bank for general information, for research, and for projects. On average, we receive 15 to 25 inquiries each month.

Digby Regional Office — Regional Supervisor: Cherry M. Paris

The Northwestern Regional Office has carried out the mandate not only through complaint investigation but also by emphasizing that leadership plays an important role in promoting race relations, which continue to be of major concern in the region.

In the area of public education the Digby office has conducted:

- speaking engagements
- in-service sessions
- workshops
- small group meetings with school administrators and boards

The Digby office has also involved itself in a number of direct action programs, including:

- Digby and Areas Rally for Survival
- address to students, Bachelor of Social Work course
- The Canadian Federation of University Women Desirous of Forming a Community-Based Organization
- Digby District School Board's research on the history of black settlements in Digby and Weymouth areas
- cross-cultural understanding and race relations
- teacher in-service on combating racism